

REMARKS

The Final Office Action of December 14, 2005 has been received and reviewed. Claims 2-6, 8, 9, 11, 13, and 17-24 are cancelled without prejudice or disclaimer. Claims 1 and 12 have been amended herein without prejudice or disclaimer. All of the pending claims 1, 7, 10, 12, and 14-16 are presented. Reconsideration is respectfully requested.

Per MPEP §714.13, the accompanying amendments should be entered because the amendments were made to adopt suggestions of the Examiner, remove issues for appeal, and correct typographical errors of form. The amendments require no further search by the Examiner.

Interview Summary

Applicants extend their thanks to the Examiner for the interview of March 9, 2006. The interview was telephonic and conducted between Applicants' attorney William P. Ramey, III and Examiner Lucas. All of the outstanding rejections were discussed. The Examiner agreed that Applicants' response overcomes the rejections under 35 USC§112 and 35 USC §103(a).

The Examiner requested a statement on the record concerning the PER.C6 cell line. Applicants respond that a document was filed on or about October 30, 2003 stating that the PER.C6 cell line was deposited at the European Collection of Cell Cultures (ECACC) on February 29, 1996 under accession number 96022940 pursuant to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms. The deposit was made under the terms of the Budapest Treaty and the deposit is available under such terms. A Budapest Treaty is enclosed.

Rejections under 35 USC § 112

Applicants acknowledge the Examiner's withdrawal of the written description rejection of claims 1, 7, 10, 12, and 14-16.

Serial No. 10/698,086
REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE

Claims 1, 7, 10, 12, and 14-16 stand rejected under 35 USC. 112, first paragraph, allegedly because the specification, while being enabling for methods of determining if a compound interferes with a virus's life cycle comprising the use of a cell transformed with an adenovirus type 5 E1 protein, does not reasonably provide enablement for methods involving the transformation of any cell with any adenoviral E1 gene. Applicants respectfully request reconsideration and withdrawal of the rejection in light of amended claims 1 and 12 and the following argument.

While not agreeing with the Examiner, Applicants have amended claims 1 and 12 to add the element of "infecting a PER.C6TM cell (represented by cells as deposited with the European Collection of Cell Cultures [ECACC] under accession number 96022940) with an essentially intact virus other than an adenovirus". Examples 1-9 provide various, non-limiting examples of a PER.C6 cell line being infected with a virus other than an adenovirus. Accordingly, Applicants have provided enablement for amended claims 1 and 12 and respectfully request reconsideration and withdrawal of the rejection. Likewise, as claims 7 and 10 are dependent on claim 1 and claims 14-16 are dependent upon claim 12, the remaining rejected claims are also allowable.

Rejections under 35 USC §103

Claims 1, 7, 10, 12, and 16 stand rejected under 35 USC. 103(a) as allegedly being unpatentable over the teachings of Burk et al. (WO 91/15573) (hereinafter referred to as "the '573 publication") in view of Hateboer et al. (WO 00/63403) (hereinafter referred to as "the '403 publication"). Applicants respectfully request reconsideration in light of the amended claims 1 and 12 and the following analysis.

During the interview of March 9, 2006, the Examiner agreed that the amendments to claims 1 and 12 overcome the obviousness rejection because the combination of the '573 publication and the '403 publication does not teach or disclose all of the elements of amended claims 1, 7, 10, 12, or 16. Applicants respectfully request reconsideration and withdrawal of the rejection.

Serial No. 10/698,086
REPLY UNDER 37 C.F.R. § 1.116
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Claims 1, 7, 10, 12, 14, and 16 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the '573 publication and the '403 publication as applied to claims 1-3, 5-7, 12, 13, and 16 above, and further in view of Lin et al. (J. Virol. Methods 88: 2 19-25)(hereinafter referred to as "the Lin article"). Applicants respectfully request reconsideration and withdrawal of the rejection.

During the interview of March 9, 2006, the Examiner agreed that the amendments to claims 1 and 12 overcome the obviousness rejection because the combination of the '573 publication and the '403 publication in further view of the Lin article does not teach or disclose all of the elements of amended claims 1, 7, 10, 12, 14, or 16. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1, 7, 12, and 14-16 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the '573 publication, the '403 publication as applied to claims 1-3, 5-7, 12, 13, and 16 above, and further in view of Halliday et al. (WO 99/51776)(hereinafter referred to as "the '776 publication"). Applicants respectfully request reconsideration and withdrawal of the rejection.

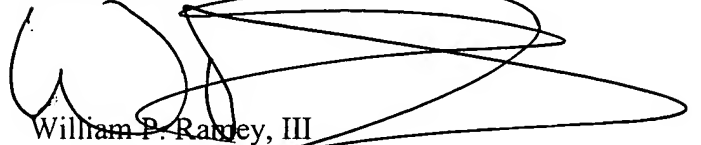
During the interview of March 9, 2006, the Examiner agreed that the amendments to claims 1 and 12 overcome the obviousness rejection because the combination of the '573 publication and the '403 publication in further view of the '776 publication does not teach or disclose all of the elements of amended claims 1, 7, 10, 12, or 14-16. Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

If questions remain after consideration of the foregoing, the Office is kindly requested to contact Applicants' attorney at the address or telephone number given herein.

Serial No. 10/698,086
REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'William P. Ramsey, III', is written over the typed name and extends across the contact information.

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Encl. Budapest Treaty Declaration